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Attorneys for Plaintiff
Wayne Berry

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

WAYNE BERRY,
Plaintiff,
vs.

DEUTSCHE BANK TRUST
COMPANY AMERICAS (F.A.
BANKERS TRUST COMPANY) AND
JP MORGAN CHASE BANK IN THEIR
SEPARATE CAPACITIES AND AS
AGENTS FOR THE PRE AND POST-
PETITION LENDERS OF FLEMING
COMPANIES, INC.; GENERAL
ELECTRIC CAPITAL
CORPORATION; C&S Wholesale
Grocers, Inc., DOES 1 TO 200.
Defendants.

CASE NO.: 1:07-CV-7634 HJB AJP
Hon. Harold J. Baer, Jr.

**MOTION TO ADMIT COUNSEL
PRO HAC VICE**

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, I, Dan Shaked, a member in good standing of the bar of this Court, hereby move for an Order allowing the admission pro hac vice of:

Timothy J. Hogan
Attorney at Law
1050 Bishop Street, Number 433
Honolulu, Hawaii 96813
Tel: (808) 382-3698
Fax: (808) 356-1682
Email tjh@timhogan.com

Timothy J. Hogan is a member in good standing of the Bar of the State of Hawaii.

There are no pending disciplinary proceeding against in any State or Federal court.

Dated: New York, N.Y.
September 10, 2007

Respectfully submitted,



Dan Shaked (DS-3331)
Shaked & Posner
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New York, NY 10018
Tel: (212) 494-0035
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Attorneys for Plaintiff
Wayne Berry

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

WAYNE BERRY,)	CASE NO.: 1:07-CV-7634 HJB AJP
)	
Plaintiff,)	Hon. Harold J. Baer, Jr.
)	
vs.)	
)	
DEUTSCHE BANK TRUST)	AFFIDAVIT OF DAN SHAKED IN
COMPANY AMERICAS (F.A.)	SUPPOR OF MOTION TO ADMIT
BANKERS TRUST COMPANY) AND)	COUNSEL PRO HAC VICE
JP MORGAN CHASE BANK IN THEIR)	
SEPARATE CAPACITIES AND AS)	
AGENTS FOR THE PRE AND POST-)	
PETITION LENDERS OF FLEMING)	
COMPANIES, INC.; GENERAL)	
ELECTRIC CAPITAL)	
CORPORATION; C&S Wholesale)	
Grocers, Inc., DOES 1 TO 200.)	
)	
Defendants.)	

Dan Shaked, being duly sworn, hereby deposes and says as follows:

1. I am a partner in the law firm of Shaked & Posner, counsel for Plaintiff in the above captioned action. I am familiar with the proceedings in this case. I make this statement based on my personal knowledge of the facts set forth herein and in support of Plaintiff's motion to admit Timothy J. Hogan as counsel pro hac vice to represent Plaintiff in this matter.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in January 9, 1991. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. Mr. Hogan is an attorney licensed to practice in the State of Hawaii since 1990.

4. Mr. Hogan's practice is primarily in the United States District Court and the United States Bankruptcy Court and he is knowledgeable in Federal practice and is familiar with the Federal Rules of Procedure.


5. Accordingly, I am pleased to move the admission of Timothy J. Hogan, pro hac vice.

6. I respectfully submit a proposed order granting the admission of Timothy J. Hogan pro hac vice, which is attached hereto as Exhibit A.

WHEREFORE it is respectfully requested that the motion to admit Timothy J. Hogan, pro hac vice, to represent Plaintiff in the above captioned matter, be granted.

Dated: New York, N.Y.
September 10, 2007

Respectfully submitted,



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New York, NY 10018
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STATE OF New York)
ss:)
COUNTY OF New York)

The foregoing instrument was acknowledged before me this 10th day of September, 2007.



Notary Public

My Commission Expires:

MICHAEL C. POSNER
Notary Public, State of New York
Exp. 06/30/11

ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION

Upon the motion of attorney for and said sponsor attorney's affidavit in support;

IT IS HEREBY ORDERED that

Timothy J. Hogan HI SBN 5312-1

Attorney at Law

1050 Bishop Street, Number 433

Honolulu, Hawaii 96813

Tel. No. (808) 382-3698

Fax No. (808) 356-1682

tjh@timhogan.com

is admitted to practice pro hac vice as counsel for in the above captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at nysd.uscourts.gov. Counsel shall forward the pro hac vice fee to the Clerk of Court.

Dated: **New York, N.Y.**

September __, 2007

United States District/Magistrate Judge

IN THE SUPREME COURT OF HAWAI'I,

In the Matter of

TIMOTHY JOSEPH HOGAN
.....

Attorney at Law.

.....

CERTIFICATE OF QUALIFICATION

I, Evelyn M. Rimando, clerk of the Supreme Court of the State of Hawai'i, do hereby certify that **TIMOTHY JOSEPH HOGAN** is an attorney and was admitted to practice as an attorney, counselor and solicitor in all the courts of the State of Hawai'i on October 19, 1990 ; is at present an active member of the bar of Hawai'i, in good standing, and has never been suspended for misconduct.

DATED: Honolulu, Hawai'i, August 23, 2007.




.....
Clerk, Supreme Court of Hawai'i.

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

WAYNE BERRY,)	CASE NO.: 1:07-CV-7634 HJB AJP
)	
Plaintiff,)	Hon. Harold J. Baer, Jr.
)	
vs.)	
)	
DEUTSCHE BANK TRUST)	MOTION TO ADMIT COUNSEL
COMPANY AMERICAS (F.A.)	PRO HAC VICE
BANKERS TRUST COMPANY) AND)	
JP MORGAN CHASE BANK IN THEIR)	
SEPARATE CAPACITIES AND AS)	
AGENTS FOR THE PRE AND POST-)	
PETITION LENDERS OF FLEMING)	
COMPANIES, INC.; GENERAL)	
ELECTRIC CAPITAL)	
CORPORATION; C&S Wholesale)	
Grocers, Inc., DOES 1 TO 200.)	
)	
Defendants.)	

The undersigned attorney, duly admitted to practice before this Court, affirms the following to be true under the penalties of perjury:

1. That he is the attorney for the Plaintiff in the instant case.
2. That on the 11th day of September, 2007, your affiant served a copy of the within Motion to Admit Timothy J. Hogan as Counsel Pro Hac Vice by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within New York State, addressed to each of the following persons at the last known address set forth after each name:

See Attached Service List

Dated: New York, New York
September 11, 2007


DAN SHAKED

WHITE & CASE LLP

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Jonathan Moskin

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Attorneys for Defendants Attorney for Deutsche Bank

Trust Company Americas and J.P. Morgan Chase Bank

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